



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,464	11/20/2001	Gunther Sejkora	366.150	8652
5514	7590	12/30/2003	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			TON, ANABEL	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2875

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/988,464	SEJKORA ET AL.	
	Examiner	Art Unit	
	Anabel M Ton	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 13 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beeson et al (5,396,350) in further view of Beeson et al (6,305,811)

3. Beeson '350 discloses the claimed invention except for reciting a reflector being shaped and arranged with reference to the lamp only light beams reflected from the reflector can exit the emission opening through the optical element. Beeson '811 discloses the reflector as such (20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the reflector of Beeson '811 arranged with reference to the lamp of Beeson '350, since it is old and well known in the illumination art to provide a reflector to a light source in an illumination system for the purpose of reflecting and propagating light forward to a desired direction. With regards to the exit angle being about 70 degrees, although Beeson '350 does not specifically recite the exit angle being 70 degrees, as shown in figures 2, 10 and 12 the exit angle is being interpreted as being about 70 degrees. Furthermore, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Art Unit: 2875

- The reflector has an inner side towards said lamp which inner side is formed to be diffusely reflecting (Beeson '811).
- With regards to the inner side of the reflector is painted white or is coated with highly reflecting Teflon, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use such reflective materials for a reflector since the aforementioned materials are well known in the art for their reflective properties.
- The luminaire includes two elongated lamps arranged parallel to one another and laterally offset with respect to said emission opening (Beeson '811).
- An annular lamp which is arranged laterally outwardly offset with respect to said emission opening (Beeson '811).
- The microprisms of said optical element are arranged in a matrix-like manner. (Beeson '350)
- The microprisms have an elongate structure (Beeson '350);
- The furrows between the microprisms are covered over by a reflecting material or are filled with a reflecting material, in order to prevent an entry of the light beams through the furrows into the microprisms (Beeson '350).

Allowable Subject Matter

4. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 12 and 13 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not recite the following:

- A luminaire according to any of claims 1 to 3, further including a second optical element arranged to deflect light beams which enter into and exit from said second optical element, such that said light beams exit from said second optical element at an exit angle which is less than a predetermined limit exit angle, said second optical element being constructed in the same manner as the optical element;, wherein said second optical element being formed with further microprisms which have an elongate structure, and said second optical element being arranged parallel to said optical element and the microprisms of said second optical element being directed transversely to the microprisms of said optical element.
- A luminaire comprising: an elongated lamp; an elongate reflector configured to surround said lamp, said reflector having an inner side the inner side facing towards the lamp and being formed to be reflecting, said reflector being formed with an emission opening for emission of light-, a first optical element arranged to deflect light beams which enter into and exit from said first optical element to exit from said first optical element at an exit angle which is smaller than a predetermined exit angle of about 70°, said first optical element having a plate-like core of transparent material which is occupied on a light exit side thereof with microprisms and furrows, said microprisms having roots from which said

microprisms taper, and said microprisms of said first optical element having an elongate structure; and a second optical element arranged to deflect light beams which enter and exit from said second optical element to exit from said second optical element at an exit angle which is smaller than a predetermined limit exit angle; said second optical element being of the same construction as said first optical element and being formed with microprisms,, the microprisms of said second optical element likewise having an elongate structure, said second optical element being arranged parallel to said first optical elements, said microprisms of said second optical element extending transversely to microprisms of said first optical element, and said inner side of said reflector being formed to be mirror a - reflecting, and being arranged with reference to said lamp that is substance no light beams are emit substance only light beams reflected at said reflector can exit said emission opening through said first optical element.

Response to Arguments

7. Applicant's arguments filed 10/02/03 have been fully considered but they are not persuasive.
8. In response to applicant's argument that The Beeson et al reference fails to disclose a reflector surrounding the lamp and that providing a reflector would not be necessary in the device of Beeson, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references

would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

9. Applicant argues that there is not motivation for a person of merely ordinary skill in the art would have had to move reflectors from where they are in Beeson et al to a position intercepting the light path from light source 4 to waveguide 6. As stated in the 103 rejection with reference to the lacking reflector behind the lamp of Beeson, the examiner stated that it would have been obvious to one of ordinary skill in the art at the time the invention was made to place a reflector behind the lamp of the lamp 4 of Beeson to provide a reflector which would aid in propagating and enhance the light emitted by lamp 4 towards a desired direction. At no point in the previous or present office action did the examiner suggest or state moving the microprisms of the Beeson device to behind the lamp to provide a reflector would have been obvious or make such a statement at all. Applicant states that there is no motivation for adding a reflector behind the lamp 4 of the Beeson et al reference since the lighting device does not require a reflector. The Beeson et al 6,305,811 reference as disclosed in the abovementioned rejection clearly teaches why a lighting arrangement such as the 5,396,350 prior art Beeson would benefit from an addition of a reflector behind the light source, although not requiring one. Such an addition, as shown in previously submitted prior art of record disclosing lighting devices (side lit, implementing waveguides) using reflectors for the purpose of propagating and enhancing emitted light towards a desired direction.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

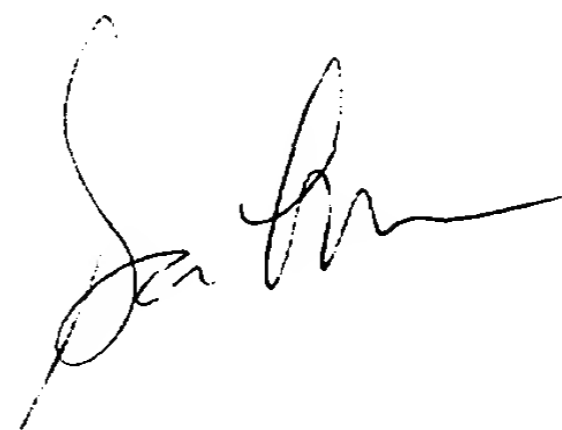
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Application/Control Number: 09/988,464
Art Unit: 2875

Page 8

Anabel M Ton
Examiner
Art Unit 2875

AMT

A handwritten signature in black ink, appearing to read 'Anabel M Ton', is located in the lower right quadrant of the page. The signature is fluid and cursive, with a long horizontal stroke extending to the right.